

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN  
\* \* \* \* \*  
UNITED STATES OF AMERICA,  
Plaintiff,  
-vs- Case No. 07-CR-116  
TIMOTHY SWEETLAND, Madison, Wisconsin  
February 13, 2008  
Defendant. 1:20 p.m.  
\* \* \* \* \*

STENOGRAPHIC TRANSCRIPT OF SENTENCING HEARING  
HELD BEFORE CHIEF JUDGE BARBARA B. CRABB

APPEARANCES:

For the Plaintiff: Office of the United States Attorney  
BY: AUSA ROBERT ANDERSON  
660 West Washington Avenue  
City Station, Ste. 303  
Madison, Wisconsin 53703  
For the Defendant: Jones Law Office  
BY: ATTORNEY WILLIAM JONES  
P.O. Box 44188  
Madison, Wisconsin 53744-4188  
Also present: Timothy Sweetland, defendant  
Rich Williams of Pretrial Services

Lynette Swenson  
Federal Court Reporter  
United States District Court  
120 N. Henry St., Room 520  
Madison, WI 53703  
(608) 255-3821

1 (Call to order)

2 THE CLERK: Now calling Case 07-CR-116-C-01.  
3 United States of America versus Timothy M. Sweetland is  
4 called for sentencing. May we have the appearances,  
5 please.

6 MR. ANDERSON: United States appears by  
7 Assistant U.S. Attorney Robert Anderson.

8 MR. JONES: Mr. Sweetland is here in person and  
9 with his attorney William Jones.

10 THE COURT: Thank you. Mr. Sweetland, before  
11 we do anything else, I want to take this opportunity to  
12 advise you that you have the right to appeal from any  
13 sentence imposed on you today. If you think this  
14 sentence is illegal in any respect, you can appeal to  
15 the Court of Appeals for the Seventh Circuit. Mr. Jones  
16 is obligated to continue to represent you at Government  
17 expense unless he would be relieved of that obligation  
18 by the Court of Appeals, and if the Court of Appeals did  
19 relieve him of the obligation, it would appoint new  
20 counsel to represent you, still at Government expense.  
21 Do you understand that?

22 THE DEFENDANT: Yes, your Honor, I do.

23 THE COURT: And have you read the pre-sentence  
24 report and the addendum?

25 THE DEFENDANT: Yes, I have, Your Honor.

1           THE COURT: Do you have any objection to  
2 anything in the pre-sentence report that Mr. Jones did  
3 not raise on your behalf?

4           THE DEFENDANT: Everything Mr. Jones has done I  
5 understand.

6           THE COURT: Okay. And Mr. Jones, for the  
7 record you've read the pre-sentence report and the  
8 addendum?

9           MR. JONES: Yes.

10          THE COURT: And if I understand it correctly,  
11 you have two basic objections; one is to the not  
12 counting the convictions in California as related, and  
13 the other one is whether Mr. Sweetland should get a  
14 two-level upward adjustment because of his role in the  
15 conspiracy?

16          MR. JONES: That's correct, Your Honor. Also  
17 somewhat tied in with the priors in California, you  
18 know, I do raise the issue that even if it were to be  
19 added, he should be given a reduction back to criminal  
20 history category III, that was in another filing based  
21 upon his involvement -- therefore it would  
22 overrepresent. But it all is -- the two basic ones are  
23 I think he should be criminal history category III no  
24 matter how you go about it, and I don't think he should  
25 be labeled a leader.

1 THE COURT: Mr. Anderson, for the record you've  
2 read the presentence report and the addendum?

3 MR. ANDERSON: Yes, your Honor.

4 THE COURT: And the Government had no  
5 objections?

6 MR. ANDERSON: That's correct, Your Honor.

7 THE COURT: Do you want to say anything about  
8 the criminal history and how -- and considering the two  
9 California convictions as related?

10 MR. ANDERSON: Yes. The two California  
11 convictions, they don't fall under the criteria for  
12 counting them as one or counting them once as a  
13 conviction. They are not the same crime, they are not  
14 the same course of conduct. They are not even sentenced  
15 together by the reference to the record here. He was --  
16 he pled to and was sentenced on one and went on with the  
17 other case for separate disposition on that.

18 So these are different events, not part of a single  
19 common scheme or plan. They weren't consolidated for  
20 trial and sentencing, and so as noted in the Pretrial  
21 Services response, it does not fit the criteria for  
22 grouping those together. So I think that is correct as  
23 to the criminal history.

24 So I think the criminal history calculation is  
25 correct in regard to that, and I do not believe that his

1 criminal history overrepresents his past history and  
2 that it appropriately represents his history looking at  
3 the offenses and the time frame between them, and it  
4 also correctly accounts, gives him the two criminal  
5 history points because he was on status supervision with  
6 one of those offenses during the time that he was  
7 involved in this conspiracy charge as well. So all his  
8 criminal histories are correct.

9 THE COURT: Mr. Jones, do you want to add  
10 anything?

11 MR. JONES: Well, Your Honor, just -- I  
12 provided -- the two -- the moving him into category IV  
13 occurred as a result of the addendum. He was originally  
14 a category III, and so I don't mean to be ambushing the  
15 Court with this information, you know, but I did provide  
16 a letter indicating why I think he should be in category  
17 III on February 11th. I just -- since it's February  
18 13th, I want to make sure the Court has it. I can  
19 certainly summarize.

20 THE COURT: I thought I read it, but I don't  
21 see it -- here it is, yeah.

22 MR. JONES: Docket number 42.

23 THE COURT: This is what I read yesterday,  
24 right.

25 MR. JONES: Okay. This case, there was no

1 intervening arrest between these two. I don't think  
2 people -- anyone contests that. They were not -- they  
3 were consolidated for trial. It just one -- one charge,  
4 the drug charge was resolved before the forged checks  
5 case logistically. I suppose if they had thought ahead  
6 of time, they could have just said well, let's keep that  
7 one open until you decide whether you want to go to  
8 trial on the checks or not. They could have handled it  
9 a different way. And I guess my point is they end up  
10 with five points instead of three really as a matter of  
11 really just timing, not severity, not as a specific  
12 desire to give him a certain sentencing for each one  
13 separately.

14 He got time served on the drug one and they moved  
15 on with the checks. I think they should be grouped.  
16 They were consolidated under the same charging document,  
17 but when he resolved his drug case as a matter of  
18 logistics, they gave it a new case number, and I think  
19 that's a subtle, I guess, calendaring or scheduling  
20 handling of those two issues, not a clearly separated  
21 two different nongroupable convictions. So I think --

22 THE COURT: Well, my understanding is that  
23 there were these fraud charges outstanding.  
24 Mr. Sweetland was arrested. That was after a drug  
25 purchase. And that at the beginning he was charged for

1 both the drugs and a couple of fraudulent checks or  
2 stole, fraudulently passing stolen checks, I'm not sure  
3 which it was, and that he pleaded to the drug charges.  
4 But in the meantime, the California authorities had  
5 discovered a large number of additional instances in  
6 which he had been passing stolen or forged checks. So  
7 they made that into a new Indictment that he was later  
8 sentenced on.

9 MR. JONES: I don't know about that last part  
10 about them discovering more and therefore making a new  
11 Indictment, but I guess the question is if it's  
12 consolidated originally for trial but then separated for  
13 any kind of number of reasons, does that make them  
14 nongroupable? If they had just amended that Complaint  
15 and kept them together, they would have been grouped,  
16 you know, they would have been resolved and he would  
17 have been sentenced on, you know -- so admittedly, I'm  
18 arguing a technical point, but grouping really is kind  
19 of a technical point. And he was originally charged  
20 with one document -- with one charging document. There  
21 was not an intervening arrest. And I think that that  
22 standing alone would group them, but also if you look at  
23 the totality of the circumstances surrounding it, it  
24 really wasn't, in my opinion, a logistical maneuver in  
25 that well, he got time served on the drugs and they

1 moved forward on the forging of the document or the use  
2 of stolen checks.

3 And so because of that, I think it should be  
4 grouped and only given three points.

5 THE COURT: Any further comment, Mr. Anderson?

6 MR. ANDERSON: I guess Mr. Jones's argument is  
7 well, if this had happened a different way, it would be  
8 treated differently, but that doesn't -- that doesn't  
9 substantiate that these fall under the criteria that the  
10 guidelines set forth. And we could engage in any number  
11 of if things were different, this would apply  
12 differently, but that's not what happens here.

13 So I think under the guidelines and existence at  
14 the time that we are applying here, this is counted  
15 appropriately in the PSR.

16 THE COURT: Well, I'm looking at 4A1.2(a)(2)  
17 which says if there's no intervening arrest, which there  
18 wasn't here, prior sentences are counted separately  
19 unless, and then (A), the sentence has resulted from  
20 offenses contained in the same charging instrument. And  
21 I understand Mr. Jones to be saying that that's what  
22 happened, that these were part of the same charging  
23 instrument, but for some reason they were separated  
24 after Mr. Sweetland or in connection with his sentencing  
25 on the drug charges. So it's sort of an unusual -- it's



1 a very unusual situation.

2 So Mr. Sweetland would still be subject to --

3 MR. ANDERSON: If I might to offer the  
4 distinction which I think the addendum is trying to  
5 point out. That sentence the Court just read refers to  
6 sentences resulting from offenses contained in the same  
7 charging instrument. That's anticipating that the  
8 sentences, each of the sentences that were imposed, came  
9 out of the same charging -- came out of the same  
10 charging document, and as the Court has noted, it's  
11 unusual, but what we have here is we have an original  
12 charging document which contained both distinct  
13 offenses, they aren't part of the same course of  
14 conduct, but they're in the same charging document. But  
15 he pleads guilty to the drug counts and the other counts  
16 are dismissed and charged in a separate charging  
17 document, which ultimately means that each of the  
18 sentences, the sentencing on the drugs and the  
19 sentencing on the burglary-related, forgery-related  
20 charges are sentences on separate charging documents.  
21 That's the distinction that I think is in this case.  
22 But it is unusual that they originate in a charging  
23 document, that they are in the same thing, but that's  
24 not what the end result is.

25 THE COURT: Well, if they were counted

1 together, which is what was done in the pre-sentence  
2 report originally as I understand it, then  
3 Mr. Sweetland's criminal history score would be VI; is  
4 that correct, Mr. Williams? But you did not include in  
5 that -- I'm looking at paragraph 40 of the pre-sentence  
6 report -- you didn't include in that any criminal  
7 history points for Mr. Sweetland having committed this  
8 offense while he's on probation.

9 AGENT: That's correct, in the original  
10 pre-sentence report.

11 THE COURT: I'm sorry?

12 AGENT: In the original pre-sentence I did not  
13 assess two points for being on probation at the time of  
14 the offense. I did count the two convictions in  
15 California as being separate.

16 THE COURT: Could you come over here a minute,  
17 Mr. Williams?

18 (Pause 1:35-1:43 p.m.)

19 THE COURT: Mr. Williams, why don't you show  
20 those charts to Mr. Anderson and Mr. Jones. (Pause)  
21 Now that you've seen those, did either of you want to  
22 say anything further?

23 MR. JONES: I guess I would. The point that  
24 Mr. Williams was making was that in the course of  
25 handling after this one arrest and one charging document

1 and it ended up being reissued, there were new charges  
2 that were added to the next one. Instead of two checks,  
3 they put together all the checks and added on. But I  
4 don't think that that affects the grouping issue. I  
5 think the grouping issue has to do with what the  
6 charging document is. And you know, I mean really my  
7 point is why do we group? I think we group because when  
8 a person is arrested and charged, it shouldn't end up  
9 being more than three points, just, you know, that  
10 arrest occurs and there's kind of a course of litigation  
11 and everything that occurs, because from that point  
12 forward, and he ends up getting his sentence, and it  
13 shouldn't just kind of add up because of the way the  
14 Court kind of handles it or if they have to reissue it  
15 or this -- Mr. Sweetland informs me, and I have no  
16 reason to doubt it, it makes sense, these new charges  
17 came up and he pled guilty to the charges, but they held  
18 it over pending resolution of the checks, and in the  
19 process of him showing up to plead or to be sentenced to  
20 everything, they said we have these new ones and the  
21 judge said well, let's just handle what we've got  
22 together and you can bring all these checks back in  
23 another thing.

24 My point is, and I mentioned in the letter, this is  
25 a issue of logistics, not severity. This is I think why

1 we group. He got arrested, they started prosecuting him  
2 for crimes, and it ended eventually and that should be  
3 three points. I guess that's just where I fall.

4 THE COURT: Mr. Anderson, anything else?

5 MR. ANDERSON: No. I would just say it's more  
6 a matter of facts, not logistics. If he had been  
7 ultimately convicted on the original Indictment or  
8 charging document on both offenses, even if they weren't  
9 related, his argument would make sense. But if charges  
10 are dismissed off the charging document and there's a  
11 separate charging document issued, on which he's  
12 convicted, as I said earlier, we have two separate  
13 charging documents that ultimately result in convictions  
14 and the offenses themselves aren't related, have no  
15 similarity. There's no connection between the pattern  
16 of conduct, so there's no other -- none of the other  
17 factors apply. So I don't think -- it's a matter of the  
18 fact, not the logistics.

19 THE COURT: Well, I'm trying to think, the  
20 purpose of grouping related crimes is partly because the  
21 idea is that you're looking to see whether somebody  
22 engaged in criminal conduct was arrested and convicted  
23 and then reengaged in criminal conduct and that's  
24 important in determining the criminal history because  
25 you're trying to decide whether somebody is likely to

1 reoffend after conviction and sentence.

2       So when two crimes are separated by an intervening  
3 arrest, they are always treated separately. It gets  
4 more difficult in these areas where they are treated  
5 similarly, either in the charging document or at  
6 sentencing. This one is peculiar, but I think in view  
7 of the number of charges that were added to the document  
8 after Mr. Sweetland pleaded guilty to the drug charges,  
9 I will treat them as not related.

10       However, I think that to compensate because I can  
11 because I think it's a close question, I will probably  
12 reduce or impose a variance because I think category IV  
13 does overstate Mr. Sweetland's criminal history.

14       Anything further then? You wanted to talk about  
15 his role in the offense.

16       MR. JONES: I did. And are you ruling that  
17 there's a variance? Because there's other issues I  
18 think should also be compelling to put him in category  
19 III, but if you just said you're going to use Rule 3, I  
20 don't need to speak any more on that.

21       THE COURT: Right.

22       MR. JONES: Yes. I did just want to talk  
23 briefly about his role in the offense. I know  
24 Mr. Anderson wanted to -- is planning on presenting some  
25 things, too, so I'll try and anticipate that. But as

1 far as a leader organizer, I'm providing an affidavit  
2 from Mr. Sweetland that I think goes to that, and it was  
3 attached to that I believe February -- have you read it?  
4 It was February 11th. I filed an affidavit from  
5 Mr. Sweetland about his role in the offense. It's  
6 relatively brief. It was in a separate letter. It was  
7 Document 43.

8 THE COURT: I don't think I've seen that. Do  
9 you have another copy of it?

10 MR. JONES: I do. Like I said, it's short.

11 THE COURT: Oh, I do have it. I do have it.

12 MR. JONES: I'll come back and get it.

13 THE COURT: Thanks.

14 MR. JONES: Sure. The electronic filing is  
15 nice.

16 THE COURT: But confusing.

17 MR. JONES: Yeah.

18 THE COURT: And I did read this.

19 MR. JONES: In addition, I did point out in the  
20 original objection to the PSR that there are certain  
21 admissions made by -- Mr. Sweetland is being labeled as  
22 a leader organizer based in my opinion on what Lauren  
23 Pitchell says, because the only other person in this  
24 conspiracy is Mike Kitchen and Mike Kitchen says he  
25 really didn't know what was going on in California. He

1 just placed an order or decided how much drugs he wanted  
2 and they would show up on his doorstep. He would send  
3 the money. So Lauren Pitchell admits that she's a  
4 large-scale drug dealer. She said she was moving 12  
5 ounces of meth a week; some of it to Mike, but the other  
6 half, the other six ounces to people around southern  
7 California. And she admitted she was the one who  
8 obtained the drugs from Mike Kitchen and she was the one  
9 who would ship the drugs to Mike Kitchen. And  
10 eventually Mr. Sweetland wasn't even part of this  
11 operation because she and Kitchen went around his back  
12 and she was getting the money.

13 THE COURT: Right.

14 MR. JONES: So Mr. Sweetland wasn't even  
15 involved in that role. But my point is the PSR really  
16 does rely I think on one item and one fact that is true,  
17 and that is, Lauren Pitchell would have never met Mike  
18 Kitchen without Tim Sweetland. Those two would have  
19 never got together without Mr. Sweetland. But I don't  
20 think that fact alone labels one a participant in a  
21 conspiracy, the leader of it, or even the organizer of  
22 it.

23 I'm certainly not trying to raise anyone as more of  
24 a leader than anyone else in this operation. I'm not  
25 trying to minimize Mr. Sweetland's participation. But I

1 think it's unfair to label him as the leader or kingpin  
2 when Mike Kitchen was the one who decided how much drugs  
3 was going to be shipped.

4 THE COURT: He's not being -- two points. The  
5 two-level increase doesn't make you a kingpin. All it  
6 does is say that you were a leader, manager, organizer,  
7 supervisor. It's the lowest level for an increase and I  
8 think, you know, not only did he put Mr. Kitchen and  
9 Ms. Pitchell together, but he set the price. He told  
10 Ms. Pitchell where to send the drugs, and he took a  
11 larger share of the proceeds. As I understand, at the  
12 beginning he was taking the lion's share of the  
13 proceeds.

14 So I think he qualifies for two levels. He  
15 certainly doesn't qualify for any more than two levels,  
16 but he does qualify for a two-level enhancement.

17 Anything else?

18 MR. JONES: Not within the PSR. But I did just  
19 have brief sentencing comments.

20 THE COURT: Sure, sure. I'm just talking about  
21 objections.

22 MR. JONES: Nothing else I don't think  
23 objecting to the PSR.

24 THE COURT: Okay. And Mr. Sweetland, is there  
25 anything you would like to say on your own behalf before



1 I sentence you?

2 THE DEFENDANT: I sent an affidavit to you  
3 which speaks everything I wanted to say.

4 THE COURT: That's all that you wanted to say?

5 THE DEFENDANT: Yes, Ma'am.

6 THE COURT: Okay. Mr. Jones.

7 MR. JONES: Your Honor, a lot of the sentencing  
8 argument that I prepared was within the PSR because I  
9 really think that those were key issues that had to be  
10 presented. But I did also want to raise another -- the  
11 one last item that the Court does have to consider and  
12 that is the sentencing -- the possibility of sentencing  
13 disparities.

14 There are three people here. They were all  
15 participants in moving drugs from California to  
16 Wisconsin. Mike Kitchen, as I pointed out in my letter,  
17 ended up one year in jail with Huber as a result of his  
18 participation, and he's the guy actually selling it to  
19 people here in our state. Lauren Pitchell I understand  
20 gave her statement about Mr. Sweetland and to the best  
21 of my knowledge received somewhere 4 1/2 years,  
22 something like that. I think that a sentence that would  
23 go significantly more than Ms. Pitchell would be a  
24 disparity that would be unfair.

25 I argued that I think the PSR should fall within 57

1 to 71 months. I know that you said that you felt that  
2 the two points should apply, and obviously you've ruled  
3 on that, but that doesn't still mean that you can't  
4 sentence below whatever range he falls in. I think that  
5 an appropriate sentence given his role, the sentencing  
6 -- the other sentences that were handed out to the other  
7 people would be -- an appropriate one would be 57  
8 months.

9 THE COURT: Thank you. Mr. Anderson.

10 MR. ANDERSON: I think sentence within the  
11 advisory guidelines is appropriate in this case. The  
12 advisory guidelines are where they are because of the --  
13 not only the quantity of drugs, but Mr. Sweetland's  
14 history as we've seen. Mr. Kitchen was allowed to plead  
15 to state charges and receive a sentence there. Without  
16 his cooperation, this case wouldn't even be here. We  
17 wouldn't have prosecuted a case here in federal court of  
18 the sources of supply of methamphetamine coming out of  
19 California. Without his cooperation, it would not have  
20 been possible because no one else knew -- no one else  
21 who got methamphetamine from Mr. Kitchen once it arrived  
22 here, had any knowledge or connection to or any  
23 information about his sources. That all came from  
24 Mr. Kitchen and whatever records and documents  
25 Mr. Kitchen could supply and explain, which was -- they

1 were actually extraordinary records that Mr. Kitchen  
2 maintained and was able to explain to us and provide  
3 detailed explanation of what was going on.

4 Because those records, in a vacuum, couldn't  
5 explain to us what negotiations, discussions,  
6 arrangements were made between any of the parties such  
7 that we would have been able to charge a conspiracy. So  
8 that is to that.

9 Ms. Pitchell, similarly her sentence was  
10 appropriate because of her different standing in terms  
11 of history and criminal history, and so I do recommend  
12 that the Court sentence within the guidelines, the  
13 advisory guidelines.

14 THE COURT: Mr. Sweetland.

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: It's hard to figure out what kind  
17 of person you are because there's so much missing from  
18 your background, and there's a huge gap in which you had  
19 no run-ins with the law enforcement and that may  
20 indicate that you really were trying to live on the  
21 straight and narrow during that period of time or it may  
22 just indicate you were smart enough not to be caught.

23 But the first thing that struck me is that you're  
24 59 years old and you're still dealing drugs. Seems to  
25 me to be an indication of a lack of -- definite lack of

1 maturity and lack of good judgment. I realize that you  
2 consider yourself a drug addict. I'm not so convinced  
3 that your addiction is as much a motivating factor in  
4 your distribution of drugs as is your desire to make  
5 money and an easier way than you might otherwise. But I  
6 hope you'll take advantage of the time you're going to  
7 have to spend in prison and get some use out of it.  
8 Learn -- maybe get some better insight into why you're  
9 leading the kind of life that you are at your advanced  
10 age.

11 I accept the plea agreement on the basis of my  
12 findings that the offense of conviction adequately  
13 reflects your criminal conduct and the plea agreement  
14 does not undermine the statutory purposes of sentencing.  
15 In determining your sentence, I will take into  
16 consideration the advisory sentencing guidelines and the  
17 statutory purposes of sentencing set forth in 18 United  
18 States Code Section 3553(a).

19 The probation office has calculated the advisory  
20 sentencing guidelines correctly in the addendum to the  
21 pre-sentence report using the November 2007 manual. The  
22 base offense level is 26 because the offense and related  
23 conduct involved at least 50 grams but less than 200  
24 grams of methamphetamine.

25 You recruited Lauren Pitchell to assist in sending

1 methamphetamine to Mr. Kitchen. You set the price,  
2 instructed her where to send the drugs, and took a  
3 larger portion of the proceeds. That conduct warrants a  
4 two-level increase because you recruited and directed  
5 Ms. Pitchell during the conspiracy.

6       You're entitled to a three-level downward  
7 adjustment because you've accepted responsibility for  
8 your offense conduct and the Government has moved for  
9 the additional reduction. Your total offense level is  
10 25. Your criminal history places you in criminal  
11 history category IV; however, I believe that category  
12 overstates your likelihood of committing additional  
13 crimes.

14       With a total offense level of 25 and a criminal  
15 history category of IV, your advisory guideline  
16 imprisonment range is 84 to 105 months, but giving you a  
17 variance because of the overstatement of your criminal  
18 history takes you down to 70 to 87 months.

19       The amount of methamphetamine attributable to you  
20 falls near the high end of the drug quantity table for  
21 base level offense 26. This is your second conviction  
22 for the distribution of illegal drugs and you were on  
23 probation when you committed this crime, and also on  
24 bond for a felony case.

25       Considering the nature and circumstances of the

1 offense and your history and characteristics, I believe  
2 that a sentence of 87 months is necessary to hold you  
3 accountable for your criminal conduct, protect the  
4 community, and afford you the opportunity to participate  
5 in treatment programs.

6 As to Count 1 of the Indictment, it is adjudged  
7 that you are committed to the custody of the Bureau of  
8 Prisons for imprisonment for a term of 87 months. I  
9 recommend you be afforded the opportunity for substance  
10 abuse treatment and that you be afforded prerelease  
11 placement in a residential re-entry center.

12 The term of confinement is to be followed by a  
13 four-year term of supervised release subject to the  
14 standard conditions. In light of the nature of the  
15 offense and your history of substance abuse, the  
16 following special conditions are appropriate:

17 You are to register with local law enforcement  
18 agencies and the state Attorney General as directed by  
19 the supervising probation officer. You are to submit  
20 your person, residence, office or vehicle to a search  
21 conducted by a probation officer at a reasonable time  
22 and in a reasonable manner whenever the officer has  
23 reasonable suspicion of contraband or evidence of a  
24 violation of a condition of release. Failure to submit  
25 to a search may be a ground for revocation.

1           You shall warn any other residents that the  
2 premises you are occupying may be subject to searches  
3 pursuant to this condition. You are to abstain from the  
4 use of alcohol and illegal drugs and from association  
5 with drug users and sellers and participate in substance  
6 abuse treatment. You shall submit to drug testing  
7 beginning within 15 days of your release and 60 drug  
8 tests annually thereafter. The probation office may  
9 utilize the Administrative Office of the courts' phased  
10 collection process. And you are to provide the  
11 supervising probation officer any and all requested  
12 financial information.

13           Further, it's adjudged that you are to pay a \$100  
14 criminal assessment penalty to the Clerk of Court  
15 immediately following sentencing. You do not have the  
16 means to pay a fine without impairing your ability to  
17 support yourself upon your release.

18           Anything further in this matter?

19           MR. JONES: Your Honor, Mr. Sweetland is from  
20 California and I would ask, if you would, that he be  
21 placed in a facility closest to his home that would meet  
22 the other requirements.

23           THE COURT: I'll ask the probation officer to  
24 make that request known to the Bureau of Prisons.

25           MR. ANDERSON: Nothing else, Your Honor.

1 MR. JONES: Nothing else.

2 THE COURT: Thank you, Mr. Jones, for your help  
3 in this case.

4 MR. JONES: You're welcome. It's my pleasure.

5 (Proceedings ended at this time)

6 (2:02 p.m.)

7  
8 I, LYNETTE SWENSON, Certified Realtime and Merit  
9 Reporter in and for the State of Wisconsin, certify that  
10 the foregoing is a true and accurate record of the  
11 proceedings held on the 13th day of February 2008,  
12 before the Honorable Barbara B. Crabb, Chief Judge of  
13 the Western District of Wisconsin, in my presence and  
14 reduced to writing in accordance with my stenographic  
15 notes made at said time and place.  
16 Dated this 26th day of February 2008.

17

18

19 /s/\_\_\_\_\_

20 Lynette Swenson, CRR, RMR,  
21 RPR, CBC  
22 Federal Court Reporter

23

24

25 The foregoing certification of this transcript does not  
apply to any reproduction of the same by any means  
unless under the direct control and/or direction of the  
certifying reporter.